

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Bitmain Technologies Ltd.,

Plaintiff,

v.

John Doe,

Defendant.

No. 2:18-cv-1626

**DECLARATION OF JOSEPH P.  
CUTLER IN SUPPORT OF  
PLAINTIFF'S EX PARTE MOTION FOR  
PERMISSION TO CONDUCT  
IMMEDIATE NON-PARTY  
DISCOVERY**

Joseph P. Cutler declares:

1. I am over 18 years of age and make this Declaration based upon personal knowledge of the facts set forth below except as to matters stated on information and belief, and as to those matters, I believe them to be true. If called upon to testify, I could and would testify competently as to the matters set forth herein.

2. I am an attorney licensed to practice law under the laws of the State of Washington. I am partner at the law firm of Perkins Coie LLP, and represent plaintiff Bitmain Technologies Ltd. ("Bitmain") in this matter. I am competent to make this declaration.

3. Upon information and belief, on or about April 22, 2018, Bitmain was the victim of a theft of the cryptocurrency, Bitcoin ("BTC").

DECL. IN SUPPORT OF MOT. FOR  
IMMEDIATE NONPARTY DISCOVERY – 1

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**Perkins Coie LLP**  
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1           4.       Upon information and belief, Bitmain was holding BTC in an online digital wallet  
2 hosted by the Binance digital asset trading platform.

3           5.       Upon information and belief, John Doe accessed Bitmain's digital wallet without  
4 authorizations on April 22, 2018 and used the BTC in that wallet to perform a series of  
5 unauthorized trades from Bitmain's digital wallet.

6           6.       At the end of the unauthorized transactions, BTC had been removed from  
7 Bitmain's wallet.

8           7.       BTC transactions are recorded on the BTC Blockchain ledger. This blockchain  
9 ledger is immutable and can be viewed publicly by anyone with internet access using various  
10 websites such as blockchain.com.

11           8.       BTC are transferred between digital wallets using unique pseudonymous public  
12 key addresses. Moreover, when BTC are transferred between wallets, each transaction is given a  
13 unique identifier, or hash, that is recorded on the blockchain ledger.

14           9.       Upon information and belief, Bitmain traced the BTC illegally transferred from its  
15 wallet to an account on the digital asset trading platform operated by Bittrex, Inc. ("Bittrex").

16           10.      Specifically, and upon information and belief, Binance identified transfers of BTC  
17 to one or more BTC addresses that can be linked to the Bittrex trading platform.

18           11.      Upon information and belief, Binance also identified that the digital asset MANA  
19 coin that was transferred into its digital wallet as part of the scheme to defraud and theft that  
20 occurred in this case was also initially transferred from a Bittrex account into a digital wallet on  
21 the Binance platform.

1           12.     Upon information and belief, Bittrex verifies the identities of its users such that it  
2 could possess information about the identity of account holders associated with the transactions  
3 wherein John Doe sent BTC and exchanged MANA with accounts on the Bittrex platform. This  
4 will include information that may assist in identifying the John Doe defendant in this case and  
5 that may identify the current location of Bitmain's stolen BTC, and/or further transfers or  
6 withdrawal of that BTC to other locations or entities.

7  
8           13.     Bittrex may also have other information related to the specific BTC transactions  
9 and MANA coin transactions and the specific Bittrex account holder(s) that may be relevant and  
10 useful in identifying John Doe, recovering the stolen BTC, and preserving evidence that is  
11 important to this case.

12           14.     It is my understanding that Bittrex does not produce information about account  
13 holders and BTC addresses, or transactions associate therewith to third parties, absent a court-  
14 ordered subpoena.

15           15.     Immediate discovery is important in this case for a number of reasons, including  
16 that this matter cannot progress until Bitmain knows the identity of the John Doe defendant, the  
17 stolen BTC can be readily transferred, and there is a need to preserve electronic evidence that  
18 might otherwise be transitory or deleted.

19  
20           16.     Apart from seeking discovery from non-parties, Bitmain does not have any other  
21 reasonable means to learn the identity of the person(s) who accessed Bitmain's digital wallet on  
22 the Binance trading platform.

23  
24           17.     Because Plaintiff Bitmain cannot identify the John Doe defendant, there is no way  
25 to serve him/her with the Complaint or any pleadings in this case, or to identify or communicate  
26 with potential counsel for the John Doe defendant.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 13th day of November, 2018.

By: /s/Joseph P. Cutler  
Joseph P. Cutler WSBA No. 37234

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